

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

JAMES GATTO, a/k/a "Jim,"

Defendant.

USDC SDNY
DOCUMENT
<b>ELECTRONICALLY FILED</b>
DOC #: <u>APR - 8 2019</u>
DATE FILED: <u>APR - 8 2019</u>

**Order of Restitution**

**S2 17 Cr. 686 (LAK)**

LEWIS A. KAPLAN, United States District Judge:

Upon the application of the United States of America, by its attorney, Robert S. Khuzami, Attorney for the United States Acting Under Authority Conferred by 28 U.S.C. § 515, Edward B. Diskant, Noah Solowiejczyk, Eli J. Mark, Aline R. Flodr, Assistant United States Attorneys, of counsel; the Presentence Investigation Report for James Gatto, dated January 14, 2019; the conviction of JAMES GATTO, a/k/a "Jim, the defendant, on Counts One through Three of the above-referenced Indictment; Mr. Gatto's Sentencing Submission, dated February 12, 2019; the Government's Sentencing Submission, dated February 26, 2019, and the attached victim impact statements; Mr. Gatto's letter, dated March 4, 2019; the Government's letter, dated April 8, 2019,<sup>1</sup> and all other proceedings in this case, it is hereby ORDERED that:

**1. Amount of Restitution.** JAMES GATTO, a/k/a "Jim," the defendant, shall pay restitution in the total amount of \$342,437.75 to the victims of the offenses charged in Counts One through Three of the above-referenced Indictment. The names, addresses, and specific amounts

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<sup>1</sup> As set forth in the Government's letter dated April 8, 2019, the University of Kansas, a victim in this case, has requested the following language be included in the order, which is consented to by the defendant: "The University of Kansas anticipates that Mr. Gatto will discharge his restitution obligations as ordered by this Court, and has represented that it has no interest or intention of expending any additional legal fees or resources regarding this matter."

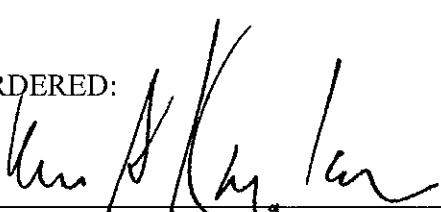
owed to each victim are set forth in the Schedule of Victims attached hereto. Upon advice of a change of address, the Clerk of the Court is authorized to send payments to the new address without further order of this Court.

**2. Joint and Several Liability.** Defendant's liability for restitution shall be joint and several with any of the following defendants should they be ordered to make restitution for offenses in this matter: MERL CODE and CHRISTIAN DAWKINS, in *United States v. Gatto*, 17 Cr. 686 (LAK), MUNISH SOOD, in *United States v. Sood*, 18 Cr. 620 (KMW), and THOMAS GASSNOLA, in *United States v. Gassnola*, 18 Cr. 252 (LAK). Defendant's liability for restitution shall continue unabated until either the Defendant has paid the full amount of restitution ordered herein, or every victim has been paid the total amount of its loss from all the restitution paid by the Defendant and co-defendants in this matter.

**3. Sealing.** Consistent with 18 U.S.C. §§3771(a)(8) & 3664(d)(4) and Federal Rule of Criminal Procedure 49.1, to protect the privacy interests of victims, the Schedule of Victims attached hereto shall be filed under seal, except that copies may be retained and used or disclosed by the Government, the Clerk's Office, and the Probation Department, as need be to effect and enforce this Order, without further order of this Court.

Dated: New York, New York  
April 8, 2019

SO ORDERED:

  
THE HONORABLE LEWIS A. KAPLAN  
UNITED STATES DISTRICT JUDGE